

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**UNITED STATES OF AMERICA** )

**v.** )

**JAMES R. HART** )

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**Case No. 04-cr-10119-MEL**

**ASSENTED TO MOTION TO EXCLUDE TIME**

The United States, by and through its attorneys, United States Attorney Michael J. Sullivan and Assistant United States Attorney Seth P. Berman, moves, pursuant to 18 U.S.C. §3161 (h)(8)(A) and (h)(B)(ii), to exclude the period of time commencing on May 4, 2005 and ending on May 4, 2006. As grounds therefore, the government states that the defendant sought this delay to obtain new counsel, for that counsel to complete an examination of the complicated and voluminous computer discovery related to this case, and for counsel to determine whether the defendant was fit to stand trial. Defendant's counsel, Kevin Barron, assents to this motion.

WHEREFORE, the United States respectfully request, under 18 U.S.C. §3161(h)(8)(A) and (h)(8)(B)(ii) and §5(c)(1)(A) of Plan for Prompt Disposition of Criminal Cases of this Court, that this Court find, based on the above, that the ends of justice served by granting the requested exclusion outweigh the best interest of the public and the defendant in a speedy trial, and, accordingly, exclude the above period in computing the time within which trial must commence.

Respectfully Submitted,

MICHAEL J. SULLIVAN  
United States Attorney  
By:

/s/ Seth P. Berman  
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April 17, 2006